

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CORTNEY JAMES STAHL

Petitioner,

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RON HAYNES,

Respondent.

C20-486 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Petitioner’s Motion to Amend, docket no. 36, is DENIED. Petitioner seeks to amend his petition to “include claims based on newly discovered evidence of prosecutorial misconduct and suppression of evidence” related to one of the State’s witness’s, Jose Leon, criminal history. Mot. to Amend at 1–2. Petitioner additionally asks the Court to stay this matter so that he may return to Washington State Court to exhaust these new claims. Id. Any new claims, however, are procedurally barred under state law as it has been more than one year since his Judgment and Sentence became final.¹ See RCW 10.73.090(1). Federal habeas review of defaulted claims is barred unless a petitioner can demonstrate cause and prejudice, or a fundamental miscarriage of justice. Coleman v. Thompson, 501 U.S. 722, 750 (2007). Petitioner’s Motion fails to

¹ Under RCW 10.73.090(3)(b), a judgment becomes final for purposes of state collateral review on the date that the appellate court issues its mandate disposing of a timely direct appeal from the conviction. Division One of the Washington State Court of Appeals issued its mandate in Petitioner's case on January 12, 2018. Mandate (docket no. 10, Ex. 24).

1 establish cause and prejudice or a fundamental miscarriage of justice. For these reasons,
2 permitting Petitioner to amend his petition and staying the case would be futile.
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(2) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

Dated this 12th day of October, 2021.

Ravi Subramanian

Clerk

s/Gail Glass

Deputy Clerk